



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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October 31, 2008

Jerome F. Buting
Buting & Williams SC
400 North Executive Drive # 205
Brookfield, WI 53005-6029

Dear Attorney Buting:

By letter dated September 9, 2008, you asked the Wisconsin Department of Justice's Division of Criminal Investigation and Division of Legal Services to investigate six instances of alleged negligence and/or misconduct on the part of certain State Crime Laboratory employees in Madison and Milwaukee between the years 2002—2006.

From the documents included with your letter, you undoubtedly know the Department has already discovered and investigated all six matters. In each instance, the Department determined the nature and scope of the problem. It then imposed appropriate discipline and corrective action where necessary, and took steps to confirm the accuracy of other forensic work product generated by the Laboratory employees involved.

All six of these personnel matters are long resolved. Nonetheless, you claim they still raise the specter of unreliable forensic evidence. You also claim that, under the terms of the Paul Coverdell Forensic Science Improvement Grant Program, your allegations now require the Department to conduct a second, separate investigation.

We respectfully disagree. At the onset, we note that the State of Wisconsin Crime Laboratory first became subject to the Coverdell investigation requirements in late June of 2005. Only one of the six personnel actions described in your letter occurred *after* that time. You do not explain why you believe the five personnel actions occurring *before* that time are relevant to present-day compliance with the investigative requirements of the Coverdell program.

We also reject your basic premise—that a personnel action against a Laboratory employee necessarily triggers the need for a Coverdell investigation. As a condition of the grant, the Department designated the Division of Criminal Investigation and the Division of Legal Services as the government entities responsible for performing independent, external investigations. The grantor found this designation acceptable. In turn, 42 U.S.C. § 3797(k)(4) only requires an investigation when the Department receives credible allegations of "serious

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negligence or misconduct substantially affecting the integrity of the forensic results” generated by a Laboratory employee.

In light of the above standard and the results of the Department’s original investigations, we do not believe the personnel matters discussed in your letter require a separate Coverdell investigation. However, to better guarantee public confidence in the work performed by the Laboratory, Attorney General Van Hollen directed the Divisions of Legal Services and Criminal Investigation to review the matters and to determine whether a separate Coverdell investigation was warranted.

That comprehensive review has been completed. This letter contains a copy of our Investigative Report. The names of the Laboratory employees have been redacted to protect their privacy interests. After examining the Investigative Report, we conclude that none of these personnel matters substantially affected the integrity of the forensic results generated by the Laboratory. No situational or systemic problems existed that would bring the integrity of the results into question. Consequently, we decline to perform a separate Coverdell investigation.

The Investigative Report addresses each of your key points. To reiterate: the personnel matters that are the focus of your concern were known to the Department and properly resolved long before we received your letter.

Occasional employee errors and rare instances of misconduct will occur in any human endeavor. They are regrettable. But in each of the matters identified in your letter, the system of quality assurance employed by the Laboratory disclosed the improper conduct and led to appropriate corrective action.

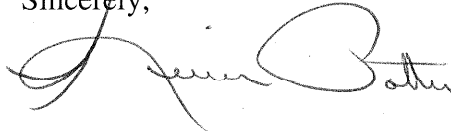
The State Crime Laboratory remains committed to ensuring the overall reliability and quality of its scientific findings. In addition to internal quality assurance, the Laboratory receives periodic inspections by the American Association of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB). The Laboratory must meet the exacting standards promulgated by ASCLAD/LAB in order to remain accredited. In the event there were systemic or other substantial deficiencies which “significantly affected the integrity of the forensic results” generated by the Laboratory, they would not have been recredited as they were in 2004 and again in 2007.

In sum, your allegations and the resulting review have confirmed that in each and every one of the matters identified in your letter, the system of quality assurance worked.

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The Department will continue to maintain the highest standards of quality, integrity and reliability in the forensic analysis performed by the State Crime Laboratory. Wisconsin's citizens deserve no less.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Potter". The signature is fluid and cursive, with a large initial "K" and a distinct "P" at the end.

Kevin Potter
Assistant Attorney General
Administrator, Division of Legal Services

A handwritten signature in black ink, appearing to read "Michael G. Myszewski". The signature is cursive and somewhat stylized, with a large initial "M" and a distinct "S" at the end.

Michael G. Myszewski
Administrator, Division of Criminal Investigation

KP:lkw

Enclosure

CORRESPONDENCE/MEMORANDUM

DEPARTMENT OF JUSTICE

Date: October 14, 2008

To: Michael G. Myszewski, Administrator
Division of Criminal Investigation

Kevin Potter, Administrator
Division of Legal Services

From: Richard A. Luell, Special Agent
Division of Criminal Investigation *RA Luell*
10/28/2008

Subject: Attorney Jerome F. Buting's Complaint about
Coverdell Allegations Concerning Crime Laboratory

On September 10, 2008, I was assigned to investigate a complaint filed with the Department of Justice by Attorney Jerome F. Buting alleging negligence or misconduct at the Wisconsin State Crime Laboratory which may have affected the integrity of forensic results.

Attorney Buting acquired public records in regard to disciplinary actions of employees at the State Crime Laboratory. Based on these documents, Attorney Buting alleged that several matters articulated in the public records amounted to negligence or misconduct. Attorney Buting then called for an investigation of the following allegations:

1. Drunkenness during DNA analysis: Settlement Agreement of May 18, 2006.
2. Falsified fingerprint eliminations: Correspondence of June 17, 2002.
3. Errant fingerprint elimination: Correspondence of July 27, 2004.
4. Fingerprint errors: Letter of Reprimand, September 7, 2004.
5. Serial infractions: Correspondence of November 22, 2004.
6. Serial infractions by an AFIS specialist: Memorandum of June 3, 2005.

I subsequently investigated these allegations by interviewing supervisors, reviewing investigative reports generated by these supervisors, reviewing State Crime Laboratory personnel files and speaking directly with one of the alleged offending individuals.

The result of my investigative inquiry was that no instance of serious negligence or misconduct substantially affecting the integrity of the forensic results was found to exist in any of the aforementioned areas of concern. In addition, no systemic problem was identified that would have resulted in the aforementioned complaints. In fact, the opposite was found to be true, in that the State Crime Laboratory has a system of checks and balances designed for the specific purpose of identifying human oversights.

All of the aforementioned matters were found to be isolated personnel issues, which were handled through normal acceptable personnel practices and State Crime Laboratory procedures.

Each of the aforementioned allegations made by Attorney Buting was investigated, and the results are reported as follows:

1. Alleged drunkenness during DNA analysis: Settlement Agreement of May 18, 2006

The subject involved in this incident was employee [REDACTED], who died on December 25, 2006. In obtaining the following information, I interviewed Madison Crime Laboratory Director Jerome Geurts and Marie Varriale, who were [REDACTED] immediate supervisors. Both supervisors said [REDACTED] was struggling with personal and domestic issues including a divorce, health problems and verbally abusive children. Varriale was aware of [REDACTED] pending divorce and stated that she would frequently console him.

In response to questions, Varriale stated that she never smelled the odor of alcohol on [REDACTED] breath and never received reports or comments from other co-workers about any alcohol-related incidents or alcohol-related problems with [REDACTED].

In response to concerns contained in Attorney Buting's letter which implied that [REDACTED] may have contaminated evidence in the Steven Avery case, Varriale stated that [REDACTED] never worked on that case. Varriale described the DNA section of the Crime Laboratory where [REDACTED] worked as being approximately 120 feet long and approximately 40 feet wide. Eleven other analysts worked in the same area of the laboratory with [REDACTED]. Each analyst has his/her own assigned work station. The laboratory station where the work was being done on the Avery case was approximately 60 feet away from [REDACTED] work station.

Varriale stated that it would be unusual for anyone to be at another analyst's work station. According to Varriale, laboratory employees do not touch each other's work stations so as to avoid contamination. Therefore, it would have been very unusual for [REDACTED] to be at the work station where the Avery evidence was being examined. If [REDACTED] could have been observed at the Avery work station, it would have been an oddity which would have been questioned. Varriale stated no incident of this type was reported.

[REDACTED] was hired for his knowledge of PCR technology and was the first analyst certified in PCR technology at the Wisconsin State Crime Laboratory. Varriale said [REDACTED] took great personal pride in the fact he never had a contamination issue with evidence. Varriale said if [REDACTED] would have done anything to contaminate the Avery evidence, that contamination would have shown up as a foreign DNA, and the only foreign DNA in the case was accounted for and explained during Avery's trial.

On the day of [REDACTED] questioned alcoholic activity, [REDACTED] came to work late. Sometime later in the day, [REDACTED] was absent from the laboratory. His co-workers became concerned

and started searching for him. They subsequently found [REDACTED] outside the laboratory, in his personal vehicle, intoxicated and slurring his words. [REDACTED] was subsequently taken to a local hospital and admitted. Thereafter, he did not return to work until he had successfully completed an alcohol treatment program.

I was not able to locate any records indicating the level of [REDACTED] intoxication on the date of this incident. I could find no evidence of [REDACTED] reporting to work in an inebriated condition on the date of this incident or any other date. It appears he reported to work sober on that day, then left work without telling anyone and went to his vehicle where he proceeded to get intoxicated. Although dealing with personal problems, his supervisors indicated that aside from this incident, [REDACTED] had always kept his professional work responsibilities and his private personal problems separate.

According to Varriale, she did not have any problems with [REDACTED] work product. Varriale explained that all of [REDACTED] findings were subject to peer reviews, which are standard with all DNA case analysis. She expressed confidence that no test results that left the Crime Laboratory were wrong.

[REDACTED]'s files at the Crime Laboratory contain good work evaluations and peer reviews. [REDACTED] was observed and graded on court testimony and received good ratings. Varriale stated that she did not have any problems with [REDACTED] at work, other than noticing that his pace was slowing down towards the end of his period of employment.

I also reviewed [REDACTED] personnel file at the Human Resources Office of the Wisconsin Department of Justice. [REDACTED] was hired in 1992. The file contained recorded health issues which resulted in [REDACTED] missing work frequently. [REDACTED] annual evaluations were positive, and stated that he had always been an excellent scientist and well respected by his peers. The only disciplinary action that could be found in the personnel file was the aforementioned Settlement Agreement.

2. Alleged falsified fingerprint eliminations: Correspondence of June 17, 2002

The subject of this complaint was identified as employee [REDACTED]. I traveled to the Milwaukee Crime Laboratory and spoke with Director Jana Champion and [REDACTED] supervisor, John Nielson. At the time of this complaint, the director of the Milwaukee Crime Laboratory was Dr. Michael J. Camp, who has since retired. Because Camp was not readily available at that time to answer questions, I spoke with [REDACTED] in the presence of Champion and Nielson.

[REDACTED] I recall the incident in question, but was unable to remember the specific case number or the names of the individuals involved. [REDACTED] explained -- and his supervisors agreed -- that the Crime Laboratory had a backlog of fingerprint cases at that time. [REDACTED] estimated there were approximately 800 fingerprint cases awaiting review. Therefore, there

was an effort to reduce the number of backlogged fingerprint identification cases as expeditiously as possible.

For the case in question, [REDACTED] ran the suspect's fingerprints through AFIS. The normal time for response from AFIS was anywhere from 20 minutes to two hours. (The time difference depends on the number of agencies running fingerprint requests on the system at any one time.) [REDACTED] explained that, after waiting the normal response time, which he felt was sufficient to produce a response, no response was returned from AFIS. Therefore, [REDACTED] stated that he assumed there was no "hit" on the suspect's fingerprints that had been submitted.

[REDACTED] then wrote a report stating that there was no identification -- or "hit" -- on the suspect's fingerprints, and he filled out the associated paperwork. [REDACTED] also drafted a letter that was typed, signed and mailed out that same afternoon.

On the following Monday when [REDACTED] returned to work, he observed a "hit" on AFIS for the aforementioned suspect's fingerprints, which he had submitted on the previous Friday. [REDACTED] stated when he realized an error had been made he immediately reported the error to his supervisors and a second report was written to correct the error.

[REDACTED] stated that he subsequently met with the Milwaukee County assistant district attorney handling the case, and with the defense attorney. [REDACTED] recalled the case to be a burglary of some type. [REDACTED] could not recall the name of the assistant district attorney, the defense attorney or the defendant. [REDACTED] did recall that the attorneys did not have any problem with what had transpired.

In response to specific questions, Champion and Nielson stated they did not believe there was any intent by [REDACTED] to cover anything up. [REDACTED] agreed and said he immediately and readily admitted his mistake. [REDACTED] stated that his error was prematurely writing the report. According to [REDACTED] a cover-up would have been if he had simply "deleted" the "hit" on the AFIS system, and no one would have known the difference. Instead, [REDACTED] did the opposite, calling his error to the attention of his supervisors, readily admitting his mistake, and taking the proper action to correct it.

I subsequently located Camp and met with him. Camp agreed to cooperate and answer questions. I showed Camp a copy of the aforementioned disciplinary letter he had written to [REDACTED]. Camp recalled the incident but advised that he would have to review his reports in order to answer specific questions. However, Camp agreed to answer questions to the best of his recollection. I then showed Camp a copy of Attorney Buting's letter of complaint. I directed Camp's attention to item number two in the letter. Camp said Buting's interpretation of the disciplinary letter was an excessive generalization.

Camp agreed with the aforementioned explanation of what [REDACTED] had done. Camp said the error committed by [REDACTED] was in prematurely writing a report. Camp said this was not typical of [REDACTED] work product. Camp said he wanted to take corrective action and reprimand [REDACTED]. Camp said the error required more than a verbal warning and that he wanted a record of the reprimand in the event future corrective action was required. However, no future corrective action was ever necessary. Camp was surprised to learn the letter still existed. Camp was of the opinion when he wrote the letter that it would be removed from [REDACTED] personnel file one year later.

I then questioned Camp about the second paragraph of the letter. Camp said the first sentence was written because [REDACTED] did not wait for the AFIS response before drafting his report. The second sentence refers to the fact that [REDACTED] created a "data" sheet for the file based on not receiving an AFIS response. Camp said he used the word "falsified" because [REDACTED] indicated on the "data" sheet that the result of the AFIS search was "negative" when it actually turned out to be positive. Camp said the third sentence refers to the fact that an AFIS hit actually had been made. Camp could not recall why he wrote the last sentence, referring to "a second false data sheet."

In concluding my conversation with Camp, Camp said what [REDACTED] did in this matter did not result in any false identification being made. Camp said he believed he took appropriate corrective action with [REDACTED] in writing the disciplinary letter.

Based on the aforementioned interviews, Allegation 2a of Attorney Buting's allegations -- "An analyst admitted to declaring in a report that a latent fingerprint did not match prints of known individuals, without actually making a physical comparison to substantiate that claim" -- is not factually true. AFIS did not respond with a comparing print in the normally anticipated time period, and therefore [REDACTED] had no questioned fingerprints with which to make a comparison.

Further, Allegation 2b -- "The analyst thereafter produced a false data sheet (intended to cover up that the physical comparison never took place) declaring that the supposed non-match was registered in the crime lab's 'unidentified latent data base' " -- is also incorrect. When [REDACTED] prematurely completed paperwork after not receiving a "hit" from AFIS, he entered the questioned fingerprints into the "unidentified latent database", which was normal procedure.

In addition, Allegation 2c -- "After finding out a hit to the latent print subsequently was made, the analyst created a second false data sheet, intended to cover up the flaws in the report and the first data sheet" -- is also incorrect. After [REDACTED] determined AFIS had

produced a "hit" on the questioned fingerprint, he completed the proper paperwork in order to generate the corrected reports.

I subsequently reviewed the personnel file maintained for [REDACTED] at the Human Resources Office of the Wisconsin Department of Justice. The file reflects he was hired in 1992 and contains numerous letters of appreciation. The annual evaluations spoke highly of the employee. As an example of annual comments, a supervisor wrote, "completed 408 assignments during the evaluation period, the most of any senior level scientist, within the unit, he examined 2,257 items."

The aforementioned letter of reprimand was the only one in [REDACTED] personnel file.

Under this same allegation (number 2), Attorney Buting makes reference to a meeting he attended on November 27, 2007, as a member of the Wisconsin Criminal Justice Study Commission. At that meeting, Director Jerry Geurts of the Madison Crime Laboratory made a statement regarding re-examination of 1,500 fingerprints. Attorney Buting has mistakenly associated that re-examination with the performance of employee [REDACTED]. The issue to which Geurts referred was an entirely separate matter, and the remark had nothing to do with [REDACTED] performance.

The fingerprint re-examination described by Geurts involved cases handled by Fingerprint Analyst [REDACTED], a retired Milwaukee Police Department / Bureau of Identification fingerprint examiner. [REDACTED] was hired by the Milwaukee Crime Laboratory as a fingerprint identification examiner after he retired from the Milwaukee Police Department.

After being employed by the Milwaukee Crime Laboratory, issues arose regarding the quality of [REDACTED] fingerprint analysis. During my interviews with Jerry Geurts for this investigation, it was his recollection that [REDACTED] took shortcuts in the processing of evidence. Geurts said if [REDACTED] believed he would not find a fingerprint during his initial examination of the evidence, he would not go on to perform the subsequent steps of analysis. However, [REDACTED] would report he performed all the steps. Geurts emphasized that [REDACTED] never misidentified a fingerprint and no reports left the laboratory with wrongly identified individuals. Geurts said [REDACTED] took shortcuts to dispose of cases.

I then spoke directly with supervisor John Nielson in regard to the [REDACTED] matter. Nielson said [REDACTED] had 35 years of experience and was well respected as a fingerprint examiner. The laboratory was initially pleased to have hired him. The laboratory was satisfied with his work product until an immediate supervisor was reviewing a case for return to the submitting agency, at which time the supervisor noticed that the evidence being returned did not reflect the reported testing.

When confronted, ██████ explained that, based on his experience, he would determine that there was no probability of obtaining fingerprints from the submitted evidence and would not conduct the examination. However, his reports indicated that he had completed specific tests as part of his process, although those tests had not been done. ██████ was immediately placed on administrative leave.

Supervisors began reviewing all of ██████ work product. Nielson estimated that ██████ had worked on approximately 1,500 cases. These are the cases referred to by Director Geurts on November 27, 2007. The majority of the evidence submitted in the 1,500 cases had already been returned to the submitting agencies. The laboratory sent letters to each agency involved, informing them of the review and offering to re-examine evidence originally analyzed by ██████. During the re-examination process, no one was found to have been identified incorrectly. However, additional fingerprints that could have been tested were identified during the re-examination process.

Nielson said ██████ took short cuts in processing evidence. These shortcuts resulted in some fingerprints never being recovered and, therefore, suspects never being identified or charged. Nielson said ██████ purpose was to dispose of cases without doing the work. However, the only way to dispose of a case is to determine that no prints are recoverable.

Nielson advised that ██████ actions were submitted to the Milwaukee County district attorney's office for prosecutorial review, and ██████ was eventually charged in Milwaukee County Circuit with multiple counts of misconduct in public office. ██████ subsequently pleaded guilty; he was placed on probation and ordered to pay \$39,557.00 in restitution.

3. Alleged errant fingerprint elimination: Correspondence of July 27, 2004

The subject of this complaint was identified as ██████. In obtaining information on this matter, I spoke with Madison Crime Laboratory Director Jerome Geurts and ██████ immediate supervisor, Lucy Meier. At issue was Allegation 3(1) of Attorney Buting's letter which referenced: "A documented 'false positive' on evidence (2/5/2001) -- meaning the analysis falsely connected an individual to actual crime scene evidence." The investigation conducted by the Crime Lab found that ██████ did in fact misidentify a fingerprint. However, Crime Laboratory procedures require that a positive fingerprint identification be taken to a co-worker for verification. In this instance, the co-worker (another fingerprint examiner) reviewed ██████ work and disagreed. Once that occurred, the comparison was treated as a non-match and the review process ended. Meier explained that a "false positive" is a very serious issue in fingerprint identification, and is cause for immediate corrective action. In this instance, ██████ identification error was caught during

the routine verification process and corrected, which eliminated the possibility of putting the wrong person at the crime scene. Meier stated that the bottom line was that the Crime Laboratory's existing system of checks and balances worked.

Allegation number 3(2) of Attorney Buting's letter cites another "false positive", this one on a proficiency test (11/5/2003). Meier explained that laboratory accreditation and individual accreditation require annual testing by outside agencies. The "false positive" in question here occurred on a proficiency test during the mandatory annual accreditation. Meier emphasized that this incident did not involve actual case work. In this instance, the activity in question was an examination and comparison of footwear impressions, and the analyst was required to make an identification, eliminate the footwear impression or arrive at a result of inconclusive. Meier explained that, after [REDACTED] examined the footwear, he noted that his findings were "inconclusive" and sent his results to the independent testing agency. The testing agency replied that "inconclusive" was not an acceptable finding.

Meier explained that the Madison Crime Laboratory questioned the independent testing agency's requirements, maintaining that they could not force an analyst to make an identification or an elimination if the analyst honestly believed that the results were inconclusive. The Madison Crime Laboratory sent a response objecting to the findings of the testing agency, and appealed the decision to the American Society of Crime Laboratory Directors. Meier explained that, as a result of all the correspondence and review, everyone agreed that a finding of "inconclusive" was an acceptable finding. Therefore, the final determination in this situation was that no error was committed by the analyst.

Allegation number 3(3) of Attorney Buting's letter cites "An errant elimination of an individual's fingerprints and a comparison of them to crime scene evidence (7/12/04)." This situation did not involve a criminal investigation. It involved the examination of fingerprints for non-criminal investigative purposes, i.e., a license check. At issue in this instance was an AFIS technician who needed a fingerprint "verified" and brought the comparisons to [REDACTED]. The technician was of the opinion that the comparisons were a positive "hit". [REDACTED] informed the technician that the comparisons were not a "hit." The technician then took the comparisons to another fingerprint examiner who determined that the fingerprints were, in fact, a "hit."

Meier explained that, upon review it was determined [REDACTED] did not follow proper Crime Laboratory procedures which would have insured he thoroughly examined the fingerprints in question. The Crime Laboratory followed Wisconsin Department of Justice personnel procedures to address the problem. As a result, [REDACTED] was temporarily removed from case work, disciplined and required to participate in a "quality action" plan.

A "quality action" is a normal part of laboratory certification corrective action. As part of this action, in addition to [REDACTED] being counseled regarding proper lab procedures, his supervisors thereafter reviewed all of his outgoing work for a period to insure its accuracy. A review of his prior work product was also undertaken to insure it had not been compromised. This review revealed that his prior work had been acceptable. Meier explained that the bottom line in this instance was that nothing left the Crime Laboratory, and therefore no case work was affected.

I reviewed [REDACTED] personnel file in the Human Resources Office of the Wisconsin Department of Justice. This file revealed [REDACTED] was hired in 1992 and contained numerous letters of appreciation from prosecutors and police administrators. [REDACTED] file also contained quality annual evaluations. The only instance of corrective action contained in [REDACTED] file was for the aforementioned issue, which resulted in him being placed in the Performance Improvement Program (PIP). I reviewed the contents of the PIP program material, which contained evidence of [REDACTED] progress and compliance.

4. Alleged fingerprint errors: Letter of Reprimand, September 7, 2004

The employee who was the subject of this allegation was [REDACTED]. I spoke with [REDACTED] supervisor, Curt Bauer. [REDACTED] was identified as a technician, and more specifically as an AFIS specialist working on non-criminal cases. The section in which [REDACTED] worked was formerly part of the Crime Information Bureau. [REDACTED] section of the Crime Information Bureau eventually moved to the Crime Laboratory after space became available following the remodeling of the Crime Laboratory.

Bauer stated that the issue with [REDACTED] was that she was not handling her work in a timely fashion. Work product was piling up on her desk and not being processed. [REDACTED] was also found to be taking work home with her, specifically fingerprint cards, so she could drop the work off at the downtown Crime Information Bureau the next morning, on her way back to the Crime Lab, in order to talk with former friends and co-workers downtown.

Bauer stated that [REDACTED] wrongly identified an applicant's print against an arrest card. Bauer emphasized that [REDACTED] identification was not related to criminal case work, but instead involved an applicant record request. Bauer explained that these types of requests are frequently made regarding bartenders, teachers, etc.

Bauer stated that, as a result of [REDACTED] work performance, she was placed in the employee Performance Improvement Program (PIP). Bauer stated that, during [REDACTED] time in the PIP program, she requested and was granted a transfer to a different position within the Department of Justice.

I reviewed employee [REDACTED] personnel file in the Human Resources Office at the Wisconsin Department of Justice. Contained in her file was a written plan for an employee performance enhancement program. The plan was intended to improve [REDACTED] work performance by bringing her up to acceptable standards. However, during [REDACTED] time in the PIP program, she instead chose an alternative position within the Department of Justice.

5. Alleged serial infractions: Correspondence of November 22, 2004

The employee in this matter was identified as [REDACTED]. I spoke with [REDACTED] supervisor, Jana Champion, at the Milwaukee Crime Laboratory. [REDACTED] job title was listed as Program Assistant-Clerical. Champion explained that the bottom line was that [REDACTED] could not handle the job. [REDACTED] was given every opportunity to improve and correct her performance, but was not able to meet acceptable standards.

Champion explained that [REDACTED] frequently filed reports in the wrong case file, scheduled the wrong analyst for the wrong court and/or the wrong date, etc. In short, [REDACTED] could not adequately perform her job responsibilities; consequently, she was released from employment. Champion explained that [REDACTED] did not do case work and never handled evidence. Champion stated that [REDACTED] worked primarily in the reception area, answering telephones and doing basic filing.

I reviewed [REDACTED] personnel file at the Human Resources Office of the Wisconsin Department of Justice. [REDACTED] was hired in 1998 and discharged in 2004. The reason cited for discharge was a failure to meet performance standards and expectations in the position for which she was hired. No behavior issues were listed. The file showed a pattern of unsatisfactory performance. [REDACTED] annual evaluations reflected her questionable performance during her period of employment.

6. Alleged serial infractions by an AFIS specialist : Memorandum of June 3, 2005

This incident is a continuation of the incident previously mentioned under #4: the continued discipline and corrective action of employee [REDACTED]. The work issue here is the employee's poor work performance. At issue was old work found in her desk that should have been completed, and work that was completed but was done in a sloppy manner. This was the pattern of poor performance that resulted in [REDACTED] enrollment in the Performance Improvement Program (PIP).